

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

STATE OF MISSOURI, et al.,

*Plaintiffs-Appellees-Cross-Appellants,*

v.

JOSEPH R. BIDEN, JR., in his official capacity as  
President of the United States, et al.,

*Defendants-Appellants-Cross-Appellees.*

Nos. 24-2332, 24-2351

**DESIGNATION OF RECORD**

Plaintiffs-Appellees designate the following additional items for inclusion in the Joint Appendix beyond those identified by Defendants-Appellants:

- Plaintiffs' Complaint for Declaratory and Injunctive Relief and Exhibits (April 9, 2024), R. Docs. 1, 1-3, 1-4, 1-5, 1-6, 1-7 (first 25 pages).
- Plaintiffs' Motion for a Stay or in the Alternative a Preliminary Injunction (April 16, 2024), R. Doc. 7.
- Defendants' Motion to Dismiss (May 5, 2024), R. Doc. 21.
- Plaintiffs' Motion for Injunction Pending Appeal or Temporary Administrative Stay of Agency Action (June 28, 2024), R. Doc. 41.
- Order Denying Plaintiffs' Motion for Injunction Pending Appeal or Temporary Administrative Stay of Agency Action (June 28, 2024), R. Doc. 45.
- Plaintiffs' Motion for Clarification (June 29, 2024), R. Doc. 48.
- Defendants' Response to Plaintiffs' Motion for Clarification (July 8, 2024), R. Doc. 52.

- Plaintiffs' Reply in Support of Motion for Clarification (July 9, 2024), R. Doc. 53

Plaintiffs'-Cross-Appellants set forth the following general substantive issue for their cross-appeal: Whether the district court erred by preliminarily enjoining only part of the Final Rule rather than all of it.

Dated: July 19, 2024

Respectfully submitted,

/s/ Joshua M. Divine

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished through the CM/ECF system.

/s/ Joshua M. Divine  
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